



NEW MEXICO
ENVIRONMENT DEPARTMENT



Surface Water Quality Bureau

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JOHN SANCHEZ
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F. DAVID MARTIN
Secretary
ROJ SOLOMON, P.E.
Deputy Secretary

Certified Mail - Return Receipt Requested

February 18, 2011

Mr. Dick Rowles, President
Star Paving
3109 Love Road, Southwest
Albuquerque, NM 871053

RE: Construction Stormwater; SIC 1611; NPDES Compliance Evaluation; Star Paving; Agua Fria Phase III Utilities; NMR10H876; February 10, 2011

Dear Mr. Rowles:

Enclosed, please find a copy of the report for the referenced inspection that the New Mexico Environment Department (NMED) conducted at your facility on behalf of the U.S. Environmental Protection Agency (USEPA). This inspection report will be sent to the USEPA in Dallas, for their review. These inspections are used by USEPA to determine compliance with the National Pollutant Discharge Elimination System (NPDES) permitting program in accordance with requirements of the federal Clean Water Act.

Problems noted during this inspection are discussed in the Further Explanations section of the inspection report. You are encouraged to review the inspection report; and required to correct any problems noted during the inspection and to modify your operational and/or administrative procedures, as appropriate. Further, you are encouraged to notify in writing, both USEPA (Marcia Adams, USEPA (6EN-WC), 1445 Ross Avenue; Dallas, TX 75202) and NMED (at the above address) regarding modifications and compliance schedules.

My thanks for the assistance and cooperation of your staff during this inspection. If you have any questions, please feel free to contact me at the above address or by telephone at (505) 827-1041.

Sincerely,
/s/ Sandra Gabaldón

Sandra Gabaldón
Surface Water Quality Bureau

CC: Carol Peters-Wagnon, USEPA by email
Marcia Adams, USEPA by email
Diana McDonald, USEPA by email
Samuel Tates, USEPA by email
NMED District II



Form Approved
OMB No. 2040-0003
Approval Expires 7-31-85

NPDES Compliance Inspection Report

Section A: National Data System Coding

Transaction Code			NPDES										yr/mo/day					Inspec. Type		Inspector		Fac Type							
1	N	2	5	3	N	M	R	1	0	H	8	7	6	11	12	1	1	0	2	1	0	17	18	}	19	S	20	1	
Remarks																													
C O N S T R U C T I O N > 1 A C R E S																													
Inspection Work Days						Facility Evaluation Rating						BI		QA		Reserved													
67					69	70	2	71	N	72	N	73		74	75														80

Section B: Facility Data

Name and Location of Facility Inspected (For industrial users discharging to POTW, also include POTW name and NPDES permit number) Agua Fria Phase III utilities. Take St. Francis North, turn west on Agua Fria, travel approximately seven miles to the construction site which is visible from the road.		Entry Time /Date 1230 hours / 02-10-11		Permit Effective Date June 30, 2008	
		Exit Time/Date 1400 hours / 02-10-11		Permit Expiration Date June 30, 2010	
Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s) Mr. Dick Rowles, Project Manager/President / (505) 877-0380 / (505) 877-6655 Esquipula Padilla, Site Superintendent				Other Facility Data	
Name, Address of Responsible Official/Title/Phone and Fax Number Mr. Dick Rowles, Project Manager/President / (505) 877-0380 / (505) 877-6655 3109 Love Road, SW Post Office Box 12333 Albuquerque, NM 87195				35.6718° 105.9856° SIC 1611	
				Contacted Yes <input type="checkbox"/> * No <input type="checkbox"/>	

Section C: Areas Evaluated During Inspection

(S = Satisfactory, M = Marginal, U = Unsatisfactory, N = Not Evaluated)

S	Permit	N	Flow Measurement	N	Operations & Maintenance	N	CSO/SSO
S	Records/Reports	N	Self-Monitoring Program	N	Sludge Handling/Disposal	N	Pollution Prevention
M	Facility Site Review	N	Compliance Schedules	N	Pretreatment	N	Multimedia
N	Effluent/Receiving Waters	N	Laboratory	S	Storm Water	N	Other:

Section D: Summary of Findings/Comments (Attach additional sheets if necessary)

SEE THE CHECKLIST FOR FURTHER DETAILS ON THIS INSPECTION REPORT.

Name(s) and Signature(s) of Inspector(s) SANDRA GABALDON /s/ SANDRA GABALDON		Agency/Office/Telephone/Fax NMED/SWQB / (505) 827-1041 / (505) 827-0160		Date February 18, 2011	
Signature of Management QA Reviewer RICHARD E. POWELL		Agency/Office/Phone and Fax Numbers NMED/SWQB 505-827-2798		Date February 18, 2011	

National Database Information		General	
Inspection Type	Compliance Evaluation	Inspector Name	Sandra Gabaldón
NPDES ID Number	NMR10H910/NMR10H876	Telephone	(505) 827-1041
Inspection Date	February 10, 2011	Entry Time	1230 Hours
Inspector Type (circle one)	EPA <input type="checkbox"/> State EPA Oversight	Exit Time	1400 Hours
Facility Type (circle one)	Commercial /Industrial Residential <input type="checkbox"/> Municipal	Signature	

Facility Location Information					
Name/Location/ Mailing Address	Agua Fria Phase III Utilities Post Office Box 276 Santa Fe, NM 87502				
GPS Coordinates	Latitude	35.6869°	Longitude	105.9377°	
Receiving Water(s)	Santa Fe River (20.6.4.114 NMAC) thence to the Rio Grande				
Disturbed Area	3.75	Start Date	01-11-2011	Stop Date	05-31-11

Contact Information		
	Name(s)	Telephone
Name(s) and Role(s) of All Parties Meeting the Definition of Operator	Santa Fe County, Owner	(505) 992-3010
	Star Paving, Operator (General Contractor)	(505) 877-0380
Facility Contact	Dick Rowles, Star Paving, President Esquipula Padilla, Site Superintendent	(505) 877-0380
Authorized Official(s)	Kathy Miller, Santa Fe County Manager	(505) 986-6200
	Dick Rowles, Star Paving, President	(505) 877-0380

Site Information: (circle all that apply)							
Nature of Project	Residential	Commercial/ Industrial	<input type="checkbox"/> Roadway	Private	Federal	State/ <input type="checkbox"/> Municipal	Other
Construction Stage	Clearing/ Grubbing	<input type="checkbox"/> Rough <input type="checkbox"/> Grading	Infrastructure	Building Const.	Final Grading	Final Stabilization	

Basic Permit Information			Basic SWPPP Information		
Permit Coverage <i>ESO Element 3 & 4</i>	<input checked="" type="checkbox"/> Santa Fe Star Paving	N	SWPPP Prepared & Available <i>ESO Element 5 & 30</i>	<input checked="" type="checkbox"/>	N
Permit Type	<input type="checkbox"/> General	Individual	SWPPP Contents Satisfactory <i>ESO Elements 5 - 31</i>	Y	<input type="checkbox"/> N
Permit notice/sign visibly posted including: copy of NOI, contact name & phone number, location of SWPPP <i>ESO Element 41</i>	Y	<input type="checkbox"/> N	SWPPP Implementation Satisfactory <i>ESO Elements 32 - 48</i>	Y	<input type="checkbox"/> N
NOI Date	01/12/11 (SF County) 01/04/11 (Star)		SWPPP Date	01/03/11	
If applicable, is waiver certification & approval on file?	Y	N	<i>Intentionally left blank</i>		

SWPPP Review (can be completed in office)					
General					Notes:
Is there a SWPPP? <i>ESO Element 5</i>	<input checked="" type="checkbox"/>	N			
SWPPP completed prior to NOI submission? <i>ESO Element 6</i>	<input checked="" type="checkbox"/>	N			
Copy of permit language? <i>ESO Element 25</i>	<input checked="" type="checkbox"/>	N			
Is SWPPP consistent with state/tribal/local regulations and permits? <i>ESO Element 26</i>	Y	<input type="checkbox"/> N			
SWPPP updated to incorporate changes to State, Tribal, Local erosion plans? <i>ESO Element 27</i>	Y	<input type="checkbox"/> N			
Have copies of inspection reports/all other documentation been retained as part of the SWPPP for 3 years from date permit coverage expires? <i>ESO Element 28</i>	Y	<input type="checkbox"/> N			
Is a copy of the SWPPP on site or made available? <i>ESO Element 30</i>	<input checked="" type="checkbox"/>	N			
Did all "operators" sign/certify the SWPPP? <i>ESO Element 31</i>	Y	<input type="checkbox"/> N	Robert Martinez signed the SWPPP. No duly authorized representative letter was provided in the SWPPP for Mr. Martinez. Mr. Dick Rowles signed the SWPPP for Star Paving.		

<u>Site Description</u>		Notes:
SWPPP identifies potential sources of pollution? <i>ESO Element 7</i>	<input checked="" type="checkbox"/> Y	N Oil, grease, ethylene glycol, petroleum hydrocarbons, suspended solids, turbidity, trash, fecal coliform, asphalt, cement, glues, solvents, metals.
SWPPP identifies all operators and their areas of control? <i>ESO Element 8</i>	<input checked="" type="checkbox"/> Y	N
Is there a site description? <i>ESO Element 9</i>	<input checked="" type="checkbox"/> Y	N Consists of a roadway, sewer and drainage along Agua Fria street with replacement of asphalt, sanitary sewer, new curb and gutter along with new storm inlets.
Nature/sequence of construction activity? <i>ESO Element 9A - 9B</i>	Y	<input checked="" type="checkbox"/> N There is a blank sequence of construction activity in the SWPPP. No dates provided.
Total area of site and total area to be disturbed? <i>ESO Element 9C</i>	Y	<input checked="" type="checkbox"/> N Site map has total area of 3.75 acres, but does not specify total disturbed area.
Is there a general location map? <i>ESO Element 9D</i>	<input checked="" type="checkbox"/> Y	N
Is there a site map? <i>ESO Element 9E</i>	<input checked="" type="checkbox"/> Y	N
Drainage patterns/outfalls on site map? <i>ESO Element 9F</i>	<input checked="" type="checkbox"/> Y	N
Area of soil disturbance on site map? <i>ESO Element 9F</i>	Y	<input checked="" type="checkbox"/> N
Location of major structural controls on site map? <i>ESO Element 9F</i>	Y	<input checked="" type="checkbox"/> N Site map has wattles but does not include berming on the north side of the project.
Location of storm water discharges to a surface water on site map? <i>ESO Element 9F</i>	<input checked="" type="checkbox"/> Y	N
Location of materials or equipment storage on site map (on-site or off-site)? <i>ESO Element 9F</i>	Y	<input checked="" type="checkbox"/> N
Location/description industrial activities? <i>ESO Element 9G</i>	Y	N N/A – Asphalt plant is not yet in operation.
Name of Receiving water(s) or MS4 listed?	Y	N <i>Note: Indicate whether receiving water is 303(d) listed.</i> Receiving water is the Santa Fe River. The SWPPP does not identify the Santa Fe MS4. Santa Fe River is on the 303(d) list for sedimentation, dissolved oxygen and nutrients.
Does the SWPPP include dates of major grading activities, temporary/permanent construction cessation, and initiation of stabilization practices? <i>ESO Element 14</i>	Y	<input checked="" type="checkbox"/> N No dates provided.
Endangered Species Documentation? <i>ESO Element 23</i>	<input checked="" type="checkbox"/> Y	N Visual inspection of the action area was done as well as providing a list of endangered species/critical habitat. Criterion E checked on both NOIs.

Controls to Reduce Pollutants			Notes:
Does the SWPPP include a description of all pollution control measures (BMPs) that will be implemented to control pollutants in storm water discharges, including sequence and which operator responsible for implementation? <i>ESO Element 10 A – C</i>	Y	<input type="checkbox"/> N	SWPPP includes description of BMPs but fails to provide a sequence of implementation to control pollutants.
Does the SWPPP include a description of interim and permanent <i>stabilization practices</i> (e.g., seeding, mulching, riprap for the site)? <i>ESO Element 11; 12</i>	<input checked="" type="checkbox"/> Y	N	
Does the SWPPP identify the contractor(s) and timing by which <i>stabilization practices</i> will be implemented? <i>ESO Element 13</i>	Y	<input type="checkbox"/> N	SWPPP provides stabilization practices but fails to identify which entity is responsible for implementation. No schedule is provided.
Does the SWPPP include a description of <i>structural practices</i> (e.g., vehicle track-out, silt fences, sediment traps, storm drain inlet protection) for the site? <i>ESO Element 15</i>	Y	<input type="checkbox"/> N	Mulch wattles with check dams are described in the SWPPP as being implemented. No check dams were seen during the inspection. Berming was also seen on site.
Does the SWPPP identify the contractor(s) and timing by which <i>structural practices</i> will be implemented? <i>ESO Element 10B - 10C</i>	Y	<input type="checkbox"/> N	SWPPP identifies Star Paving as implementing the structural practices. No schedule/timing is provided.
Does the SWPPP identify storm water management measures to address storm water runoff once the construction is completed (e.g., retention ponds, velocity dissipation controls)? <i>ESO Element 16</i>	Y	<input type="checkbox"/> N	The SWPPP does not identify management measures of runoff once construction is completed. Further conversations with the permittees indicate that rip-rap will be used as velocity dissipation controls.
Does SWPPP describe measures to prevent discharge of dredge/fill materials to waters of the U.S.? Does site have 404 permit? <i>ESO Element 17</i>	Y	<input type="checkbox"/> N	During the site inspection work was being completed on a culvert entering the Santa Fe River. This project is inside the flood plain of the river. No discussion of 404 requirements was discussed in the SWPPP.
Does SWPPP describe measures to minimize off-site vehicle tracking and generation of dust? <i>ESO Element 18</i>	<input checked="" type="checkbox"/> Y	N	SWPPP states off-site tracking will be eliminated/minimized by street cleaning with a broom/scraping. Dust generation will be controlled with reusable uncontaminated or potable dischargeable water.
Does SWPPP describe controls for pollutants from storage of construction or waste materials? <i>ESO Element 19</i>	Y	<input type="checkbox"/> N	
Does the SWPPP describe controls for pollutants from non-construction activities? <i>ESO Element 20</i>	Y	N	
Does SWPPP identify allowable non-storm water discharges? <i>ESO Element 21</i>	<input checked="" type="checkbox"/> Y	N	(1) Water used to control dust.

Controls to Reduce Pollutants (cont'd)		Notes:
Does SWPPP ensure implementation of pollution prevention measures for non-storm water discharges? <i>ESO Element 22</i>	<input checked="" type="checkbox"/> Y N	
Is SWPPP revised when BMPs added/modified within 7 days after inspection reveals problems? <i>ESO Element 29</i>	Y N	No inspection reports have been done.

Inspections		Notes:
Inspections performed once every 7 days, or every 14 days within 24 hours of a rain event greater 0.5"? <i>ESO Element 32</i>	Y <input type="checkbox"/> N	Start date of the project is 01/11/2011. Inspections are required every 14 days. Since the stated start date, two inspections should have been performed (01/25/11 & 02/08/11).
Inspections performed by qualified personnel? <i>ESO Element 33</i>	Y N	Qualifications for Len Horan and Sam Quesada are included in the SWPPP. Inspections have yet to be done.
All disturbed areas and/or used for storage and exposed to rain inspected? <i>ESO Element 34</i>	Y N	No documentation
All pollution control measures inspected to ensure proper operation? <i>ESO Element 35</i>	Y N	No documentation
All discharge locations inspected if accessible, or if not accessible, are nearby downstream locations inspected? <i>ESO Element 36; 37</i>	Y N	No documentation
Entrance/exit inspected for off-site tracking? <i>ESO Element 38</i>	Y N	No documentation
Inspection report contain all required items and certified? <i>ESO Element 39; 40</i>	Y N	No documentation

Site Description:

The Agua Fria Phase III project is located in Agua Fria Village, Santa Fe County, New Mexico. The project consists of sanitary sewer, water and stormwater improvements to the existing roadway. It is approximately 3.75 acres. The project is located in the Santa Fe MS4. There is no indication on the SWPPP that this project will meet the requirements of the MS4 permit.

There is storage / maintenance area on the eastern side of the project, which is not indicated in the SWPPP or the site map.

Notes on SWPPP Review

The NOI for Santa Fe County was submitted by Robert Martinez on 01/12/2011, no title was included on the NOI. Per Chuck Vigil, Santa Fe County, Mr. Robert Martinez is the Transportation Manager for Santa Fe County. The SWPPP contains no document defining the scope of the Transportation Manager authority.

CGP Appendix G.11 states: All applications, including NOIs must be signed as follows:

- A. 3:** *For a municipality, state, federal or other public agency: By either a principal executive officer or ranking elected official. For purposes of this Part, a principal executive officer of a federal agency includes (i) the chief executive officer of the agency or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrator of EPA).*

Robert Martinez does not appear to meet the signatory requirements needed to apply for a Construction General Permit (CGP). Therefore, the Agua Fria Phase III Improvements construction site may not have a valid permit.

SWPPP Implementation (*complete in field*)

Stabilization Practices

List and describe stabilization practices
ESO Element 43, 48

(*e.g., seeding, mulching, geotextiles, sod stabilization*)

Stabilization practices described in the SWPPP:

1. Seed: Seed of the type and mixture, detailed on the seed mix design chart.
2. Fertilizer: Fertilizer shall be granulated water soluble
3. Wood Cellulose Mulch
4. Soil Retention blanket: Installed on slopes exceeding 33%
5. Seeding: All proposed seeded areas shall be seeded with a hydroseeder; seed and fertilizer shall be applied in one operation.

No stabilization practices have been implemented at this time.

Are stabilization measures initiated no more than 14 days after temporary or permanent construction cessation?
ESO Element 46

(*e.g., indicate "yes" or "no"; if "yes", how long without stabilization measures?*)

Construction site is active.

Structural Practices

List and describe structural controls
ESO Element 42, 43, 47

(e.g., silt fences, hay bales, storm drain inlet protection, sedimentation pond, rip rap, check dam, diversion structure, off-site vehicle track-out)

SWPPP describes the use of:

1. Mulch wattles with check dams.

Mulch wattles and berming were structural controls seen on-site. There were no check dams on the day of this inspection.

Non-Structural Practices

Street Cleaning
ESO Element 44

(e.g., describe measures taken to remove offsite accumulation of sediment)

Street cleaning is done on an as needed basis with a street sweeper.

Non-Structural Practices

**Good Housekeeping
& Waste Disposal
Practices**
ESO Element 45

(e.g., describe measures taken to prevent litter and debris from becoming a pollutant source)
Construction site is orderly. No blowing debris or litter is seen.

**Equipment Wash/
Maintenance Area**
ESO Elements 43

(provide brief description)
Equipment not washed or maintained on site.

**Concrete Washout
Areas**
ESO Elements 43

(provide brief description)
N/A

Miscellaneous

**Evidence of Sediment
Deposition to Surface
Waters**
**ESO Eligibility - if
"yes," site not eligible
for ESO*

(e.g., significant turbidity observed in a receiving water body) Yes
No

Miscellaneous

Pollution prevention measures for non-storm water discharges?

**ESO Eligibility - If evidence of non-allowable non-storm water discharges, site not eligible for ESO*

(provide brief description and determine whether/if non-storm water discharges allowable)

Dust suppression by spraying is associated with this site. No evidence of discharges occurring.

Has implementation of additional/modified BMPs been completed before next anticipated storm event?

ESO Element 43.C.1

(provide brief description)

No inspections have been performed. However, because this site includes construction of a culvert entering the Santa Fe River, additional BMPs may be warranted in this area.

Notes on SWPPP Implementation

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**NMED/SWQB
Official Photograph Log**

Photo # 1

Photographer: Daniel Valenta	Date: 02/10/2011	Time: 1302 Hours
City/County: Santa Fe /Santa Fe		
Location: Agua Fria Phase III Utilities Project		
Subject: Site overview of project		



**NMED/SWQB
Official Photograph Log**

Photo # 2

Photographer: Daniel Valenta	Date: 02/10/2011	Time: 1250 hours
City/County: Santa Fe /Santa Fe		
Location: Agua Fria Phase III Utilities Project		
Subject: View of stormwater culvert entering Santa Fe River on northwest corner of project		



**NMED/SWQB
Official Photograph Log**

Photo # 3

Photographer: Daniel Valenta	Date: 02/10/2011	Time: 1251 Hours
City/County: Santa Fe /Santa Fe		
Location: Agua Fria Phase III Utilities Project		
Subject: Picture taken above the stormwater culvert		

